

JOURNAL OF THE FLORIDA SENATE

Tuesday, April 13, 1971

The Senate was called to order by the President at 8:30 a.m. for the purpose of conducting the order of business of Introduction and reference of Resolutions, Memorials, Bills and Joint Resolutions, pursuant to Rule 4.3.

INTRODUCTION

By Senator Broxson—

SB 683—A bill to be entitled An act relating to public education; amending §235.15, Florida Statutes, relating to surveys and long-range planning by district school boards, to require the survey to be taken every five (5) years and to require the survey to indicate the existing use of extended school days or year-round operation; providing an effective date.

Was read the first time by title and referred to the Committee on Public Schools.

By Senator Lane—

SB 684—A bill to be entitled An act to provide added penalties for certain armed crimes; providing for mandatory punishment, successive sentences, and mitigating circumstances; and protecting the civil rights of citizens in the lawful use of firearms; providing an effective date.

Was read the first time by title and referred to the Committee on Judiciary—Criminal.

By Senator Plante—

SB 685—A bill to be entitled An act relating to neglect of minor children; creating §828.043, Florida Statutes; providing that it is illegal for parents or guardians to fail to exercise reasonable control over their minor children in certain circumstances; providing definitions; providing for notification to the parents upon the arrest of their minor child; providing that the parent of an habitual offender is guilty of parental neglect; providing penalties; providing an effective date.

Was read the first time by title and referred to the Committee on Judiciary—Criminal.

By Senator Lewis (33rd)—

SB 686—A bill to be entitled An act relating to the collection of municipal taxes; adding subsection (6) to Section 167.434, Florida Statutes, to allow municipalities, by ordinance, to collect taxes on property assessed by the county assessor; providing an effective date.

Was read the first time by title and referred to the Committee on Governmental Efficiency.

By Senator Trask—

SB 687—A bill to be entitled An act relating to the department of health and rehabilitative services, division of corrections; authorizing the department to purchase surplus real property located in Polk County through the appropriate federal agencies for use by the division of corrections for operation of the Avon Park Correctional Institution; making an appropriation; authorizing the board of trustees of the internal improvement trust fund to accept title to said property; and providing an effective date.

Was read the first time by title and referred to the Committees on Health, Welfare and Institutions and Ways and Means.

By Senators Beaufort, Arnold and Scarborough—

SM 688—A memorial to the Congress of the United States relating to the Cross Florida Barge Canal to request that no further funds be appropriated by the Congress for the construction of the Cross Florida Barge Canal; to request that the Congress make an in depth study as to the ecological, economic, flood control, and recreational effects of the Cross Florida Barge Canal project; to request that the Congress provide the necessary funds for an immediate study of these effects; to re-

quest that Congress make the findings and recommendations of said study immediately available to the people of Florida.

Was read the first time in full and referred to the Committee on Natural Resources and Conservation.

By Senator Henderson—

SB 689—A bill to be entitled An act relating to oil and gas wells; adding subsection (9) to §377.24, Florida Statutes, prohibiting the drilling of oil and gas wells in certain areas; expressing legislative intent; providing an effective date.

Was read the first time by title and referred to the Committee on Natural Resources and Conservation.

By Senator Poston—

SB 690—A bill to be entitled An act relating to the drug abuse law; adding subsection (3) to §404.08, Florida Statutes, to provide that upon conviction of a person for violation of chapter 404, Florida Statutes, any vehicle used for such violation and seized by a law enforcement agency shall become the property of the state, county or municipal law enforcement agency responsible for the seizure; repealing §404.09, Florida Statutes, which prescribes procedures for forfeiture or sale of such vehicles; providing an effective date.

Was read the first time by title and referred to the Committees on Health, Welfare and Institutions and Judiciary—Criminal.

By Senator Scarborough—

SB 691—A bill to be entitled An act for the relief of Roger L. Williams of Avon Park on account of injuries received while in Belle Glade Correctional Institution; providing an effective date.

Was read the first time by title and referred to the Committees on Personnel, Retirement and Claims and Ways and Means.

By Senator Scarborough—

SB 692—A bill to be entitled An act for the relief of Eula M. Jones of Yulee on account of the death of Bannie Charles Hyatt, her minor son, in the State Prison at Raiford; providing an effective date.

Was read the first time by title and referred to the Committees on Personnel, Retirement and Claims and Ways and Means.

By Senator Scarborough—

SB 693—A bill to be entitled An act for the relief of Earl Pinkney of Raiford, Florida, on account of injuries received while incarcerated at Belle Glade Correctional Institution; providing an effective date.

Was read the first time by title and referred to the Committees on Personnel, Retirement and Claims and Ways and Means.

By Senator Scarborough—

SB 694—A bill to be entitled An act for the relief of Linda D. Maginnis, Elaine Maginnis Hunt and Carol Maginnis Ilano, on account of the murder of their father, James Sanford Maginnis, while he was a patient of the Northeast Florida State Hospital at Macclenny, Florida; providing an effective date.

Was read the first time by title and referred to the Committees on Personnel, Retirement and Claims and Ways and Means.

By Senator Scarborough—

SB 695—A bill to be entitled An act for the relief of Pearl Prater of Jacksonville on account of the death of Earl Prater, her son, on whom she depended for support, in the State Prison at Raiford; providing an effective date.

Was read the first time by title and referred to the Committees on Personnel, Retirement and Claims and Ways and Means.

By Senator Bell—

SB 696—A bill to be entitled An act relating to motor vehicle mufflers; amending §317.631, Florida Statutes, to provide for the establishment of a maximum number of decibels of sound emitted from mufflers of cars and trucks; to require the department of highway safety and motor vehicles to establish such maximum; adding subsection (5) to §325.19, Florida Statutes, as amended by chapter 70-351, Laws of Florida, to provide that motor vehicles exceeding such maximum shall fail to obtain an inspection sticker; providing an effective date.

Was read the first time by title and referred to the Committee on Transportation.

By Senator Barrow—

SB 697—A bill to be entitled An act relating to Walton County; providing that the minimum land ownership requirement of §561.20(6), Florida Statutes, for a golf course and clubhouse alcoholic beverage license be sixty-five (65) acres when applied in Walton County; providing an effective date.

Evidence of notice and publication was established by the Senate as to SB 697.

Was read the first time by title and referred to the Committee on Rules, Calendar, Privileged Business and Ethics.

By Senator Graham—

SB 698—A bill to be entitled An act relating to education; creating a remedial reading program; providing for application of funds by district school boards; providing for approval of plans; providing an effective date.

Was read the first time by title and referred to the Committee on Public Schools.

By Senator Lane—

SB 699—A bill to be entitled An act relating to motor carriers; amending section 323.13, Florida Statutes; providing that the department of transportation, rather than the public service commission, may require certain safety devices on motor carriers; authorizing the department to adopt rules and procedures for the enforcement of such requirements; providing an effective date.

Was read the first time by title and referred to the Committee on Transportation.

By the Committee on Commerce—

SB 700—A bill to be entitled An act relating to credit life and disability insurance; amending section 627.0703(2), Florida Statutes, to increase the total amount of credit life insurance which may be written on the life of any debtor with any one creditor; amending section 627.0704(2), Florida Statutes, to increase the total amount of credit disability insurance which may be written on the life of any debtor with respect to loans covered in one or more insurance policies; amending section 627.0705(1), Florida Statutes, to increase the maximum term of credit life insurance policies and credit disability insurance policies; and providing an effective date.

Was read the first time by title and referred to the Committee on Commerce.

The Senate recessed at 8:35 a.m.

The Senate was called to order by the President at 9:00 a.m. A quorum present—46:

Mr. President	Bishop	Deeb	Gunter
Arnold	Boyd	de la Parte	Haverfield
Barron	Brantley	Ducker	Henderson
Barrow	Broxson	Fincher	Horne
Beaufort	Childers	Gong	Johnson (29th)
Bell	Daniel	Graham	Johnson (34th)

Karl
Knopke
Lane
Lewis (33rd)
Lewis (43rd)
McClain

Myers
Ott
Plante
Poston
Pope
Saunders

Sayler
Scarborough
Stolzenburg
Trask
Ware
Weber

Weissenborn
Williams
Wilson

Excused: Senator Hollahan

Prayer by Senator Williams:

Our Father, we come to thee knowing that we will sometimes err; but knowing also that right-minded men will more often be right. Help us to put away selfish motives. Broaden our understandings. Purify our hearts. Give us diligence and the wisdom to use that part of you that is in every man to more perfectly carry out thy works here on earth. Humbly we ask thee. Amen.

The Senate pledged allegiance to the flag of the United States of America.

The Journals of April 12 and 9 were corrected and approved.

The Journal of April 8 was corrected and approved as follows:

Page 60, column 2, line 9, strike "402" and insert 409

Page 61, column 1, line 12, strike "576" and insert 476

The Journal of April 6 was further corrected as follows:

Page 26, counting from the bottom of column 1, line 8, strike "Commerce" and insert Conservation

Page 29, column 2, line 2, strike "773" and insert 733

Page 39, counting from the bottom of column 2, line 31, after "patory" insert: payment; permitting an anticipatory

REPORTS OF COMMITTEES

The Committee on Judiciary—Civil A recommends the following pass: SB 107, SM 234, SB 424

The Committee on Judiciary—Civil B recommends the following pass: SB 369 with 1 amendment, Senate Bills 364, 365, 366, 367, 370, 372

The Committee on Judiciary—Criminal recommends the following pass:

SB 81 with 3 amendments	SB 267 with 3 amendments
SB 101 with 2 amendments	SB 422 with 2 amendments
SB 233 with 2 amendments	

The Committee on Agriculture recommends the following pass: SB 402, SB 413

The Committee on Commerce recommends the following pass:

SB 506	SB 510	SB 513	SB 580	SB 583
SB 508	SB 511	SB 578	SB 581	SB 584
SB 509	SB 512	SB 579	SB 582	SB 585

The Committee on Health, Welfare and Institutions recommends the following pass: SB 343 with 1 amendment, Senate Bills 362, 349, 347

The Committee on Personnel, Retirement and Claims recommends the following pass: SB 386

The Committee on Transportation recommends the following pass: SB 274 with 1 amendment, SCR 334

The Committee on Transportation recommends the following pass: SB 355 with 3 amendments, SB 411 with 6 amendments

The Committee on Governmental Efficiency recommends the following pass: SCR 161, SB 79 with 1 amendment

The Committee on Universities and Community Colleges recommends the following pass: Senate Bills 526, 586, 478, 484, and SCR 523

The Committee on Natural Resources and Conservation recommends the following pass: SB 290 with 2 amendments, SB 337 with 1 amendment

The bills contained in the foregoing reports were placed on the Calendar.

The Committee on Health, Welfare and Institutions recommends the following pass: SB 351 with 5 amendments

The Committee on Natural Resources and Conservation recommends the following pass: SB 333 with 2 amendments

The bills contained in the foregoing reports were referred to the Committee on Judiciary—Criminal under the original reference.

The Committee on Judiciary—Civil A recommends the following pass: SB 405

The Committee on Commerce recommends the following pass: SB 507

The Committee on Natural Resources and Conservation recommends the following pass: SB 246 with 2 amendments, SB 279

The bills contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Judiciary—Criminal recommends a Committee Substitute for the following: SB 64

The bill with Committee Substitute attached was placed on the Calendar.

The Committee on Agriculture recommends a Committee Substitute with 1 amendment for the following: SB 105

The bill with Committee Substitute with 1 amendment attached was referred to the Committee on Judiciary—Criminal under the original reference.

The Committee on Transportation recommends a Committee Substitute for the following: SB 338

The Committee on Transportation recommends a Committee Substitute for the following: SB 268

The bills with Committee Substitutes attached contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Commerce recommends the following not pass: SB 505

The Committee on Health, Welfare and Institutions recommends the following not pass: SB 348, SB 350

The Committee on Judiciary—Civil A recommends the following not pass: SJR 104, SB 420

The Committee on Judiciary—Criminal recommends the following not pass: SB 224, SB 503

The Committee on Transportation recommends the following not pass: SB 346, SB 425

The Committee on Governmental Efficiency recommends the following not pass: SCR 138

The Committee on Natural Resources and Conservation recommends the following not pass: Senate Bills 126, 321, 341

The bills contained in the foregoing reports were laid on the table.

ENGROSSING REPORTS

Your Engrossing Clerk to whom was referred—

SB 108 with 1 amendment	SB 216 with 2 amendments
SB 114 with 3 amendments	SCR 15 with 3 amendments
SB 156 with 2 amendments	SCR 187 with 1 amendment

—reports that the Senate amendments have been incorporated and the bills are returned herewith.

ELMER O. FRIDAY
Secretary of the Senate

The bills were certified to the House.

ENROLLING REPORTS

Your Enrolling Clerk to whom was referred SB 620 reports same has been enrolled, signed by the required constitutional officers and presented to the Governor on April 8, 1971.

ELMER O. FRIDAY
Secretary of the Senate

The President announced that Senator Haverfield had relinquished his membership on the Committee on Commerce and had been appointed on April 6 as a member of the Committee on Ways and Means.

The President read the following report by a select committee, appointed on April 9, composed of Senators Karl, Barron, Henderson, Horne and Pope:

Honorable Jerry Thomas
President
The Florida Senate

April 13, 1971

Dear Mr. President:

Pursuant to your instructions, the undersigned have met to consider the question of what action, if any, the Senate President or The Florida Senate should take as a result of the indictment of Senator Robert F. Brannen.

The committee stands ready to advise you and The Florida Senate on the precedent and applicable law.

We recommend that Senator Brannen's request to be excused pursuant to Rule 1.21 be granted and that no further action be taken at this time.

Very truly yours,

Senator Frederick B. Karl,
Chairman
Senator Dempsey J. Barron
Senator Warren S. Henderson
Senator Mallory E. Horne
Senator Verle A. Pope

The President advised the Senate that he was in receipt of the following letter from Senator Brannen:

Honorable Jerry Thomas
President
The Florida Senate

Dear Mr. President:

I have been conferring with my advisors and attorneys in regard to the needs of my defense in the pending criminal

case. We feel that I need to devote my full time to the preparation of my defense. Therefore, I request that I be excused per Rule 1.21.

I hope that all will realize that I am innocent and should be presumed to be innocent. My request is in no way a question of my innocence but rather, my strong desire to prevent any embarrassment to my colleagues in the Senate.

Respectfully,
Robert Brannen

The President thereupon granted said request.

On motion by Senator Karl, the report by the select committee was adopted.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lewis (43rd), by two-thirds vote, SB 211 was withdrawn from the Committee on Commerce and from further consideration of the Senate.

On motion by Senator Lewis (43rd), by two-thirds vote, SB 277 was withdrawn from the Committee on Judiciary—Civil A and from further consideration of the Senate.

On motion by Senator Poston, by two-thirds vote, SB 353 was withdrawn from the Committee on Health, Welfare and Institutions and from further consideration of the Senate.

On motion by Senator Broxson, by two-thirds vote, SJR 380 was also referred to the Committee on Public Schools.

On motion by Senator Pope, by two-thirds vote, SB 570 was withdrawn from the Committee on Judiciary—Civil A and from further consideration of the Senate.

On motion by Senator Myers, the rules were waived and the Committee on Judiciary—Criminal was granted permission to consider the following bills at the scheduled meeting on April 15: Senate Bills 493, 494, 495, 497, 498.

MESSAGE FROM THE GOVERNOR

The Governor advised that on April 9 he had filed with the Secretary of State SB 620 which he had approved.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Jerry Thomas April 9, 1971
President of the Senate

Sir:

I am directed to inform the Senate that the House of Representatives has adopted SCR 476.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The bill, contained in the above message, was ordered enrolled.

The Honorable Jerry Thomas April 8, 1971
President of the Senate

Sir:

I am directed to inform the Senate that the House of Representatives has passed as amended—

By the Committee on Finance & Taxation—

HB 739—A bill to be entitled An act relating to the excise tax on documents; amending section 201.02, Florida Statutes, providing that the affixing of documentary stamps on an instrument transferring an interest in realty in an amount

other than that of the actual consideration for such a transfer shall be subject to a penalty; providing for an affidavit stating, under oath, that the stamps affixed represent the true and actual consideration for the transfer; requiring the recording of evidence of ownership in co-operative apartment associations; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 739, contained in the above message, was read the first time by title and referred to the Committee on Judiciary—Civil B.

The Honorable Jerry Thomas
President of the Senate

April 8, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has passed as amended—

By the Committee on Environmental Pollution Control and Representative Spicola—

CS for HB's 191 & 449—A bill to be entitled An act relating to pollution; adding a new subsection to §403.061, Florida Statutes, to provide that no detergents which contain harmful additives in any amount shall be sold in Florida after December 31, 1972; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

CS for HB's 191 and 449, contained in the above message, was read the first time by title and referred to the Committee on Natural Resources and Conservation.

The Honorable Jerry Thomas
President of the Senate

April 8, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has passed—

By the Committee on General Legislation and Representative Zinkil—

HB 728—A bill to be entitled An act relating to racing funds; amending subsection 550.13(1), Florida Statutes, to provide that any excess of revenues otherwise payable to the counties over the amount so paid for the fiscal year 1971 shall be paid to the general revenue fund.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 728, contained in the above message, was read the first time by title and referred to the Committees on Rules, Calendar, Privileged Business and Ethics and Ways and Means.

The Honorable Jerry Thomas
President of the Senate

April 8, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has passed—

By the Committee on General Legislation and Representatives Wilson and Gillespie—

CS for HB's 177 & 248—A bill to be entitled An act relating to animal exhibitions; amending §548.01, repealing §548.031,

adding §828.121 and repealing subsection 828.12(2), all Florida Statutes, to remove references to animal exhibitions from chapter 548, to remove the exception which permits certain animal exhibitions including bloodless bullfighting under chapter 828, and to provide that the conduct of a simulated bullfighting exhibition is a prohibited act; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

CS for HB's 177 and 248, contained in the above message, was read the first time by title and referred to the Committee on Commerce.

The Honorable Jerry Thomas
President of the Senate

April 12, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has passed as amended—

By the Committee on Finance & Taxation—

HB 741—A bill to be entitled An Act relating to the tax upon estates of decedents, amending section 198.02, Florida Statutes, to provide that the Florida estate tax on resident decedent's estates shall not be less than a pro rata share of the credit allowed under the applicable federal revenue act; amending sections 198.13 and 198.15, Florida Statutes, to change 15 month period to 9 month period; amending section 198.32, Florida Statutes, to increase fee from one dollar to five dollars; amending section 198.12, Florida Statutes, to eliminate the filing of a copy of the federal preliminary notice; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Jerry Thomas
President of the Senate

April 12, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has passed as amended—

By the Committee on Finance & Taxation—

HB 738—A bill to be entitled An act relating to the excise tax on documents; amending section 201.11, Florida Statutes, by adding new subsection (2) to authorize appointment of agents by the department of revenue and commissions to be paid the agents; providing for limitations of, and bonds for, the agents; amending sections 201.17, Florida Statutes, by adding new subsection (2) to provide an alternative penalty for failure to pay tax required; amending 201.18(2) and 201.20, Florida Statutes, to create uniformity in penalties under this chapter; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

House Bills 741 and 738, contained in the above messages, were read the first time by title and referred to the Committee on Ways and Means.

The Honorable Jerry Thomas
President of the Senate

April 12, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has passed—

By Representative Spicola—

HB 371—A bill to be entitled An act relating to the air and water pollution control board; amending section 403.051(5), Florida Statutes, as amended by chapter 70-84, Laws of Florida, to change the quorum requirement from four (4) members to three (3) members for all hearings under section 403.121, Florida Statutes, which relate to violations of the pollution control law; providing an effective date.

By Representative Spicola—

HB 385—A bill to be entitled An act relating to noise pollution; amending section 403.031 relating to the definition of "pollution"; amending section 403.061 relating to powers of the department of air and water pollution control; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 371, contained in the above message, was read the first time by title and referred to the Committee on Governmental Efficiency.

HB 385, contained in the above message, was read the first time by title and referred to the Committee on Natural Resources and Conservation.

The Honorable Jerry Thomas
President of the Senate

April 12, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has passed—

By the Committee on Agriculture & Citrus and Representative Tillman—

HB 493—A bill to be entitled An act relating to agricultural and vegetable seed; amending subsection (1) of section 578.27, Florida Statutes, to provide alternate members to arbitration council; providing effective date.

By the Committee on Agriculture & Citrus and Representative Lane—

HB 494—A bill to be entitled An act relating to agricultural and livestock fairs; amending section 616.21 (2), Florida Statutes, redesignating members of the agricultural and livestock fair council; providing an effective date.

By the Committee on Agriculture & Citrus and Representative Hollingsworth—

HB 607—A bill to be entitled An act relating to eggs; creating §583.022, Florida Statutes, making it unlawful for producers or dealers to hold or store eggs above a certain temperature; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

House Bills 493, 494 and 607, contained in the above message, were read the first time by title and referred to the Committee on Agriculture.

On motion by Senator Trask, the President appointed Senators Trask and Gunter as a committee to escort Mr. Mark Hollis, district governor of Rotary International to the rostrum where he addressed the Senate briefly. He presented Rotary's Four Way Test plaque to each member of the Senate.

RESOLUTIONS

Consideration of SCR 334 was deferred, the bill retaining its place on the Calendar.

UNFINISHED BUSINESS

SB 300—A bill to be entitled An act relating to fire fighters generally as herein defined; specifically authorizing collective bargaining and collective bargaining agreements between fire fighters and their public employers; establishing the right to organize and bargain collectively; providing for the recognition of a bargaining agent; providing for arbitration of disputes by an arbitration board; providing for appointment of arbitrators and payment of same; providing decisions of board shall be binding; defining collective bargaining contract; limits items to be bargained for; prohibiting the right to strike; repealing conflicting laws; providing an effective date.

Was taken up, together with the following pending amendment which was adopted on motion by Senator Scarborough:

On page 4, line 28, section 9, after the word "to" insert advisory

Senator Scarborough moved the adoption of the following amendment which failed:

On page 3, between lines 13 and 14 add new section: (d) "Strike" means the concerted failure to report for duty, the concerted absence of employees from their positions, the concerted stoppage of work, the concerted submission of resignations, picketing, boycotting in line of the performance of duty, sanctioning, refusing to cross picket line, disruptively demonstrating, or the concerted abstinence in whole or in part by any group of employees from the full, faithful, and proper performance of the duties of employment with a public employer for the purpose of inducing, influencing, condoning, or coercing a change in the terms and conditions of employment or the rights, privileges, or obligations of public employment, or participating in any manner in any course of conduct which adversely affects the services of the public employer. Nothing in this section shall be construed to prevent any such employee from going to the public on his or her own time in order to induce, influence, condone or coerce a change in the terms and conditions of employment or the rights, privileges, or obligations of said employment.

Senator Scarborough moved the adoption of the following amendment:

Following Section 19 on page 9, add new section as follows:
Strikes Prohibited.

(a) Strikes by firefighters are expressly prohibited. No employee organization shall cause, encourage or condone a strike.

(b) Circuit courts having jurisdiction of the parties are vested with the authority to hear and determine all actions alleging violations of this act. Suits to enjoin violations will have priority over all matters on the court's docket except other emergency matters.

(c) If a firefighter, a group of same, an employee organization, or any officer, agent, or representative of any employee organization, engages in a strike in violation of subsection (a) of this section, the public employer whose employees are involved or whose employees may be affected by the strike, may file suit to enjoin the strike in the circuit court having proper jurisdiction and proper venue of such actions under Florida Rules of Civil Procedure and Florida Statutes. The circuit court shall conduct a hearing, with notice to all interested parties, at the earliest practicable time. If the plaintiff makes a prima facie showing that a strike violation of subsection (a) of this section is in progress or that there is a clear, real and present danger that such a strike is about to commence, the circuit court shall issue a temporary injunction enjoining the strike. Upon final hearing, the circuit court shall either make the injunction permanent or dissolve it.

(d) If an injunction issued pursuant to this section to enjoin a strike is not promptly complied with, on the application of the plaintiff, the circuit court shall immediately initiate contempt proceedings against those who are in violation. An employee organization which is found to be in contempt of court for violating an injunction against a strike shall be fined not less than five thousand dollars (\$5,000.00) nor more than

twenty thousand dollars (\$20,000.00) for each calendar day, or part of a calendar day that the violation is in progress. Each officer, agent or representative of an employee organization or any public employee who is found to be in contempt of court for violating an injunction against a strike, shall be fined not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) for each calendar day, or part of a calendar day, that the violation is in progress.

(e) A public employer shall have the right to discharge or otherwise discipline any or all public employees who violate subsection (a) of this section. The only question that may be raised in any proceeding, judicial or otherwise, contesting such action is whether subsection (a) of this section was violated by the employee to be discharged.

Senator Brantley moved the adoption of the following substitute amendment which failed:

On page 2, line 19, section 3, after the word "established," insert the following: Provided, however, that an employee organization which is found to be in contempt of this act for violating the strike provision shall be fined not less than five thousand dollars (\$5,000) for each calendar day, or part of a calendar day that the violation is in progress. Each officer, agent or representative of an employee organization or any public employee who is found to be in contempt of this act for violating an injunction against the strike shall be fined not less than fifty dollars (\$50) nor more than one hundred dollars (\$100) for each calendar day or part of a calendar day that the violation is in progress.

Senator Weissenborn moved the adoption of the following amendment to the amendment which failed:

At the end of (d) insert: Any "employing authority" which refuses to engage in collective bargaining as prescribed herein shall be subject to all the remedies, penalties, and fines enumerated above in this section.

The question recurred on the adoption of the amendment by Senator Scarborough which failed.

Senator Scarborough moved the adoption of the following amendment which failed:

On page 3, between lines 13 and 14, add new section 5, and renumber the remaining sections.

Section 5. Public Employer's Rights. It is the right of the public employer to determine the purpose of each of its constituent agencies, set standards of service to be offered to the public, and exercise control and discretion over its organization and operations. It is also the right of the public employer to direct its employees, take disciplinary action for just cause, relieve its employees from duty because of lack of work or for other legitimate reasons, determine whether goods or services shall be made, purchased or contracted for, and determine the methods, means, and personnel by which the employer's operations are to be conducted; provided, however, that the exercise of such rights does not preclude employees or their representatives from conferring or raising questions or issues about the practical consequences that decisions on these matters may have on terms and conditions of employment.

On motion by Senator Poston the following amendment was adopted:

On page 3, line 27, section 5, insert the following: All other items not contained herein shall remain the prerogatives of management.

On motion by Senator Poston the following amendment was adopted:

In title, line 14, following "board;" insert: ; describes management prerogatives

On motion by Senator Wilson the following amendment was adopted:

On page 8, line 13, strike Section 13, and renumber following sections.

Senator Wilson moved the adoption of the following amendment which failed:

On pages 1 and 2, strike sections 2 and 3 in their entirety and renumber the following sections.

On motion by Senator Ducker the following amendment was adopted:

In Section 11, lines 8 and 9, page 6, strike: "wage rates or hourly conditions, Section 11, lines 10 and 11, page 6, strike: wage rates or hourly conditions, Section 11, lines 14 and 15, page 6, strike: wage rates or hourly conditions, Section 11, line 16, page 6, strike: wage rates or hourly conditions, Section 11, lines 21 and 22, page 6, strike: wage rates or hourly conditions, Section 11, line 23, page 6, strike: wage rates or hourly conditions." and insert the following: the annual income, Section 11, lines 10 and 11, page 6, insert: annual income, Section 11, lines 14 and 15, page 6, insert: the annual income, Section 11, line 16, page 6, insert: the annual income, Section 11, lines 21 and 22, page 6, insert: the annual income, Section 11, line 23, page 6, insert: the annual income.

Senator Williams presiding.

On motion by Senator Ducker the following amendment was adopted:

In Section 11, line 4, page 7, insert the following: (f) Retirement Plans (g) Sick Leave (h) Job security

On motion by Senator Ducker the following amendment was adopted:

In Section 3, line 18, page 2, strike: "binding"

The President presiding.

On motion by Senator Wilson the following amendment was adopted:

Title, line 17, strike "binding" and insert: advisory

Senators Sayler and Poston offered the following amendment which was moved by Senator Sayler and failed:

On page 1, line 26, section 1, after "Fire Fighters" add: and Policemen

Senator Brantley moved that the rules be waived and SB 300 as amended be read the third time by title.

Senator Broxson moved as a substitute motion that pursuant to Rule 4.17, SB 300 be ordered engrossed, and the motion failed.

The question recurred on the motion by Senator Brantley, which he withdrew. SB 300 was ordered engrossed.

SECOND READING

SB 164—A bill to be entitled An act relating to county depository banks; amending section 136.02(1), Florida Statutes, as amended by chapter 70-194, Laws of Florida, to permit funds of the county and of county officers, in addition to those of school boards, to be deposited in the county depository banks; providing an effective date.

Was read the second time by title.

Senator Johnson (29th) offered and moved the following amendment:

In Section 1, line 17, page 2, strike all of line 17 and insert the following: board, and shall be entitled to its or their pro rata share of the deposits of the funds of the county, funds of

all county officers, and funds of the school board. If at any time a bank ceases to be qualified

On motion by Senator Sayler, further consideration of SB 164 with pending amendment was deferred.

SB 73—A bill to be entitled An act relating to the employment of relatives by certain public officials; amending section 116.11, Florida Statutes, providing that any public official who violates section 116.111, Florida Statutes, shall be deemed guilty of misfeasance and malfeasance in office and shall be also deemed guilty of a misdemeanor; providing penalties; repealing section 116.10, Florida Statutes, relating to the prohibition of nepotism; providing an effective date.

Was read the second time by title.

On motion by Senator Barrow the following amendment was adopted:

On page 2, line 6, strike Section 2

Senators Pope and Barrow offered the following amendment which was adopted on motion by Senator Pope:

On page 2 between lines 7 and 8, add a new section 3 and renumber the succeeding section, to read:

Section 3. Section 116.111 is amended by adding subsection (6), to read:

The provisions of this section shall not apply to any person lawfully employed on the effective date of this act.

Senator Barrow offered and moved the following amendment:

In title, lines 12, 13 and 14, strike "Repealing Section 116.10, Florida Statutes, relating to the prohibition of nepotism;"

Pending consideration thereof, Senator Barrow withdrew the amendment.

On motion by Senator Myers, the Senate reconsidered the vote by which the amendment offered by Senator Barrow was adopted. Senator Barrow withdrew the amendment.

On motion by Senator Myers, by two-thirds vote, SB 73 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—37

Mr. President	Fincher	Lane	Scarborough
Arnold	Gong	Lewis (33rd)	Stolzenburg
Barron	Graham	Lewis (43rd)	Trask
Barrow	Gunter	McClain	Ware
Beaufort	Haverfield	Myers	Weber
Brantley	Horne	Ott	Weissenborn
Broxson	Johnson (29th)	Plante	Wilson
Childers	Johnson (34th)	Pope	
Deeb	Karl	Reuter	
Ducker	Knopke	Sayler	

Nays—5

Bell	Daniel	Williams
Bishop	Saunders	

By unanimous consent Senator Daniel changed his vote from nay to yea.

Senator Plante moved that the Senate reconsider the vote by which SB 73 as amended passed this day.

Senator Plante moved as a substitute motion that the Senate immediately reconsider the vote by which SB 73 passed and the motion failed. The original motion went over under the rule.

Senator Karl moved that SB 164 with pending amendment be removed from the Calendar and re-referred to an appropriate committee. The motion was adopted and the bill was recommitted to the Committee on Commerce.

Consideration of SB 19 was deferred, the bill retaining its place on the Calendar.

SB 124—A bill to be entitled An act relating to public education; amending section 232.01(1)(c), Florida Statutes; repealing subsection (2) of section 232.01, Florida Statutes; removing the authority from district school boards to adopt regulations governing the attendance of married students as such; clarifying the rights of married and pregnant students within the required age to attend school; providing an effective date.

Was read the second time by title. On motion by Senator de la Parte, by two-thirds vote SB 124 was read the third time by title, passed and certified to the House. The vote was: Yeas—42 Nays—None

Mr. President	Deeb	Lane	Sayler
Arnold	de la Parte	Lewis (33rd)	Scarborough
Barron	Ducker	Lewis (43rd)	Stolzenburg
Barrow	Gong	McClain	Trask
Beaufort	Graham	Myers	Ware
Bell	Haverfield	Ott	Weber
Bishop	Horne	Plante	Weissenborn
Brantley	Johnson (29th)	Pope	Williams
Broxson	Johnson (34th)	Poston	Wilson
Childers	Karl	Reuter	
Daniel	Knopke	Saunders	

By unanimous consent Senators Gunter and Boyd were recorded as voting yea.

SB 90—A bill to be entitled An act relating to Seminole and Miccosukee Indian scholarships; amending section 239.66(1) and (2), Florida Statutes, to make eligible all Seminole and Miccosukee Indians; eliminating reservation residence requirements; providing an effective date.

Was read the second time by title.

The Committee on Public Schools offered the following amendment which was adopted on motion by Senator Broxson:

In Section 1, lines 17-22, page 1, strike: "(1) Award.—There shall be awarded by the department of education, subject to regulations of the department, each fiscal year, beginning with the fiscal year commencing July 1, 1963, one scholarship each eight (8) annual scholarships to a Seminole and Miccosukee Indian girl girls and boy boys." and insert the following: (1) Award.—There shall be awarded by the department of education, subject to regulations of the department, each fiscal year, beginning with the fiscal year commencing July 1, 1963, one scholarship each to a Seminole or Miccosukee Indian girl or boy.

The Committee on Public Schools offered the following amendment which was adopted on motion by Senator Broxson:

On page 2, between lines 5 and 6, section 1, insert the following: (c) *Demonstrate financial need as determined by standards to be established by the Student Scholarship and Loan Council*

On motion by Senator Sayler, by two-thirds vote, SB 90 as amended was read the third time by title, passed and ordered engrossed. The vote was: Yeas—39 Nays—None

Mr. President	Deeb	Knopke	Saunders
Barron	Ducker	Lane	Sayler
Barrow	Gong	Lewis (33rd)	Scarborough
Beaufort	Graham	Lewis (43rd)	Stolzenburg
Bell	Gunter	McClain	Trask
Bishop	Haverfield	Myers	Ware
Brantley	Henderson	Ott	Weber
Broxson	Horne	Plante	Weissenborn
Childers	Johnson (29th)	Pope	Wilson
Daniel	Johnson (34th)	Reuter	

By unanimous consent Senators Arnold, Boyd and Williams were recorded as voting yea.

SB 56 was taken up, together with:

By the Committee on Judiciary—Criminal—

CS for SB 56—A bill to be entitled An act relating to the crime of giving false fire alarms; amending section 823.03, Florida Statutes, to increase penalties for false fire alarms; providing an effective date.

Which was read the first time by title and SB 56 was laid on the table.

On motions by Senator Sayler, by two-thirds vote, CS for SB 56 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote was:

Yeas—34

Mr. President	Ducker	Lane	Scarborough
Arnold	Gong	Lewis (33rd)	Stolzenburg
Barron	Graham	Lewis (43rd)	Trask
Beaufort	Gunter	McClain	Ware
Bell	Haverfield	Myers	Weber
Brantley	Horne	Plante	Weissenborn
Childers	Johnson (29th)	Pope	Williams
Daniel	Karl	Saunders	
Deeb	Knopke	Sayler	

Nays—3

Bishop Johnson (34th) Wilson

By unanimous consent Senators Reuter and Boyd were recorded as voting yea.

SB 82 was taken up, together with:

By the Committee on Judiciary—Criminal—

CS for SB 82—A bill to be entitled An act relating to shrimp preserves; amending sections 370.15(6), 370.151(6), (7) and 370.152(8), Florida Statutes, making a second conviction for unauthorized shrimping in closed areas therein described a felony; providing penalties; amending chapter 370, Florida Statutes, by adding section 370.153, providing for revocation of, and ineligibility to apply for, a shrimp permit in the event of such unauthorized shrimping; providing an effective date.

Which was read the first time by title and SB 82 was laid on the table.

On motions by Senator Henderson, by two-thirds vote, CS for SB 82 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote was:

Yeas—33

Mr. President	Gong	Lewis (33rd)	Saunders
Arnold	Graham	Lewis (43rd)	Sayler
Beaufort	Haverfield	McClain	Stolzenburg
Bell	Henderson	Myers	Trask
Brantley	Johnson (29th)	Ott	Weber
Childers	Johnson (34th)	Plante	Williams
Daniel	Karl	Pope	
Deeb	Knopke	Poston	
Ducker	Lane	Reuter	

Nays—6

Barron Scarborough Weissenborn
Bishop Ware Wilson

By unanimous consent Senator Childers changed his vote from yea to nay; Senator Boyd was recorded as voting yea.

SB 54 was taken up, together with:

By the Committee on Judiciary—Criminal—

CS for SB 54—A bill to be entitled An act relating to the operation of vessels while under the influence of intoxicating liquor and narcotic drugs; amending section 371.51, Florida Statutes, to add additional substances that cause impairment of or deprive normal faculties of pilot; providing penalty for violation; providing an effective date.

Which was read the first time by title and SB 54 was laid on the table.

On motions by Senator Sayler, by two-thirds vote, CS for SB 54 was read the second time by title and by two-thirds vote

was read the third time by title, passed and certified to the House. The vote was:

Yeas—40

Mr. President	Ducker	Knopke	Reuter
Arnold	Gong	Lane	Sayler
Barron	Graham	Lewis (33rd)	Scarborough
Barrow	Gunter	Lewis (43rd)	Stolzenburg
Beaufort	Haverfield	McClain	Trask
Bell	Henderson	Myers	Ware
Brantley	Horne	Ott	Weber
Childers	Johnson (29th)	Plante	Weissenborn
Daniel	Johnson (34th)	Pope	Williams
Deeb	Karl	Poston	Wilson

Nays—1

Bishop

By unanimous consent Senators Boyd and Broxson were recorded as voting yea.

On motion by Senator Henderson, by two-thirds vote, SB 20 was withdrawn from the Committee on Natural Resources and Conservation and placed on the Calendar.

Pursuant to Rule 4.14, Senator Henderson gave notice of intention to move to take up SB 20 out of order.

SB 41—A bill to be entitled An act relating to trespassers on school property; amending chapter 821, Florida Statutes, by adding section 821.39, making trespassing on school property a misdemeanor; providing an effective date.

Was read the second time by title.

On motion by Senator Wilson the following amendment was adopted:

In Section 1, lines 14-16, page 1, strike all of lines 14 through and including line 16 and insert the following: 821.39 Trespass on school lands or buildings.—Whoever enters upon the lands or buildings of a public or private school and commits any act of violence

On motion by Senator Poston, by two-thirds vote, SB 41 as amended was read the third time by title, passed and ordered engrossed. The vote was: Yeas—39 Nays—None

Mr. President	Fincher	Knopke	Sayler
Beaufort	Gong	Lewis (33rd)	Scarborough
Bell	Graham	Lewis (43rd)	Stolzenburg
Bishop	Gunter	McClain	Trask
Brantley	Haverfield	Myers	Ware
Childers	Henderson	Ott	Weber
Daniel	Horne	Pope	Weissenborn
Deeb	Johnson (29th)	Poston	Williams
de la Parte	Johnson (34th)	Reuter	Wilson
Ducker	Karl	Saunders	

By unanimous consent Senators Boyd, Plante and Broxson were recorded as voting yea.

SB 134—A bill to be entitled An act relating to fraudulent practices; amending section 817.52 (3), (5), and (6), Florida Statutes, changing the offense of failure to redeliver a hired vehicle from a misdemeanor to a felony and increasing the penalty therefor; adding trucks and trailers to vehicles subject to the offense; providing an effective date.

Was read the second time by title.

Senators Myers, Ducker and McClain offered the following amendment which was moved by Senator Myers:

On page 1, line 26, section 1, strike "or neglect"

Further consideration of SB 134, with pending amendment, was deferred.

SB 36—A bill to be entitled An act relating to oil and gas wells; amending subsection 377.24(6), Florida Statutes, prohibiting the drilling of oil and gas wells within twelve (12) miles seaward of the mean high tide lines, and submerged lands twelve (12) miles inland; repealing subsections 377.24(7) and (8) to conform with this act; providing an effective date.

Was read the second time by title.

The Committee on Natural Resources and Conservation offered the following amendment which was moved by Senator Sayler and failed:

On page 2, line 22, section 1, strike "twelve (12)" and insert: 10.36 statute

Senators Graham and Myers offered the following amendment which was adopted on motion by Senator Graham:

On page 2, lines 22 and 23, Section 1, strike "twelve (12) miles" and insert: the jurisdictional limits of the state

On motion by Senator Broxson the Senate reconsidered the vote by which the foregoing amendment was adopted.

Senator de la Parte raised a point of order that SB 36 be referred to the Committee on Ways and Means pursuant to Rule 4.6.

CO-INTRODUCERS

By permission, Senator Trask was recorded as a co-introducer of SB 530.

By permission, Senator Lewis (43rd) was recorded as a co-introducer of SB 53.

By permission, Senator Pope was recorded as a co-introducer of SB 625.

On motion by Senator Daniel, the Senate adjourned at 12:00 noon to reconvene at 8:30 a.m., April 14, 1971.